

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DEBORAH J. PIMENTEL,

No. C-08-0249 MMC

Plaintiff,

**ORDER GRANTING PLAINTIFF'S
MOTION FOR CONTINUANCE;
CONTINUING HEARING ON
DEFENDANTS' MOTION TO DISMISS**

v.

THOMAS J. ORLOFF, et al.,

Defendants.


Before the Court is plaintiff's Motion for Continuance, filed July 1, 2008, by which plaintiff seeks an enlargement of time to file opposition to defendants' Motion to Dismiss. Defendants have opposed plaintiff's motion.

Although defendants point out certain deficiencies in plaintiff's showing, defendants have failed to demonstrate they would be prejudiced by such extension. See, e.g., Briones v. Riviera Hotel & Casino, 116 F.3d 379, 381 (9th Cir. 1997) (holding "excusable neglect" encompasses negligent failure to meet filing deadline; listing prejudice to opposing party as one of factors to be considered).

Accordingly, plaintiff's motion is hereby GRANTED. Plaintiff shall file her opposition to defendants' Motion to Dismiss no later than July 18, 2008; defendants shall file any reply thereto no later than August 1, 2008. The hearing on the matter is continued to August 22, 2008 at 9:00 a.m.

IT IS SO ORDERED.

Dated: July 7, 2008


MAXINE M. CHESNEY
United States District Judge